

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PERRIGO COMPANY AND  
SUBSIDIARIES,

*Plaintiff,*

v.

UNITED STATES OF AMERICA,

*Defendant.*

No. 1:17-cv-00737

The Hon. Robert J. Jonker

**Oral argument requested**

**UNITED STATES' MOTION FOR ISSUANCE OF A LETTER OF REQUEST  
FOR DOCUMENTS AND TESTIMONY PURSUANT TO  
THE HAGUE EVIDENCE CONVENTION**

The United States moves for issuance of a Letter of Request directed to the Administration of Courts for Israel, pursuant to Rules 26 and 28 of the Federal Rules of Civil Procedure and the Hague Evidence Convention, opened for signature, Mar. 19, 1970, 23 U.S.T. 2555, T.I.A.S. No. 7444, reprinted in the notes section following 28 U.S.C. § 1781.

The grounds for the motion are set forth in a concurrently-filed supporting brief. In short, the Letter of Request is needed to facilitate the gathering of evidence by the United States from Dexcel Pharma Technologies Ltd. ("Dexcel"), an Israeli company, and four of its current or former employees. Transactions between Dexcel and Perrigo are at the heart of this litigation, and although Perrigo may have access to Dexcel, the United States does not. Exhibits referred to in the supporting brief are submitted through declarations of Jeffrey S. Silver and James E. Weaver.

A proposed Letter of Request, along with Schedules A-E, is also filed concurrently with this motion.<sup>1</sup> Schedule A contains document requests directed to Dexcel and the four individuals. Questions and topics for oral examination are listed in Schedules B through E.

For the reasons set forth above and in its supporting brief, the United States respectfully requests that the Court issue the proposed Letter of Request, with proposed Schedules, in substantially the form appended to this filing.

Dated: December 18, 2017

THE UNITED STATES OF AMERICA

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<sup>1</sup> Certain information in the proposed Letter of Request has been redacted for e-filing purposes on account of privacy or confidentiality considerations, and, with respect to four of the attached exhibits, at the request of Plaintiff. An unredacted Microsoft Word version of the proposed Letter of Request, with unredacted Microsoft Word schedules (with unredacted attached exhibits), will be sent by email to chambers.

At the Court's request, the United States can obtain a translation of the Letter of Request issued by the Court into Hebrew. Also, if requested by the Court, the United States can transmit the Letter of Request issued by the Court to the Administration of Courts in Israel, along with attachments.

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